

NIEHS ANNUAL FOIA REPORT FY 2017

Please complete the following worksheet and return it to the NIH FOIA Office by 2:00pm, Thursday, October 12, 2017. NO EXTENSIONS WILL BE GRANTED

PART I - FOIA Contact Information

IC: *NIEHS – National Institute of Environmental Health Sciences*

Name of Person Completing the Report: *Regina Stabile*

Title: *FOIA Public Liaison and Privacy Act Coordinator*

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PART II – FOIA Request Data

- a. Number of FOIA requests pending at the end of FY 2016: *11* (This number was taken from the report you submitted last year)
- b. Number of FOIA requests received during FY 2017: *93*
- c. Number of FOIA requests processed during FY 2017: *30*
- d. Number of FOIA requests pending at the end of FY 2017: *74*

NOTE: a + b –c = d

PART III - Cost Information

A. Personnel

1. How many full-time FOIA staff does your IC have: *1.0 FTE during FY 17*

(notes: this does not reflect the fluctuation of staff positions during FY 17: the part-time FOIA Coordinator position [full-time position with other responsibilities] was converted to a full-time FOIA Coordinator position and from 10/1/16 – 1/31/17 we temporarily had 2 full-time FOIA staff; and, it is also worth noting that this full-time FOIA Coordinator staff position has been vacant since May 2017)

NOTE: A “full-time FOIA employee” is a full-time employee or contractor who performs FOIA duties 100% of the time.

2. How many “Equivalent Full-Time FOIA Employees” work in your IC. **Provide this number in work years:** 0.63 – 1.35 FTE during FY 17

(notes: this represents the fluctuation of staff during FY 17 because there was an increase in FTE for (1) the portion of regular staff - the FOIA Public Liaison and Privacy Act Coordinator which normally dedicates approximately 63% of time towards FOIA supervision, communications, and liaison responsibilities but because of FOIA workload and reduced staffing has been dedicating approximately 0.85 FTE towards FOIA responsibilities since April 2017, and (2) the additional temporary contractor staff hired between April 2017 and September 2017 – approximately 0.5 FTE)

NOTE: Employees or contractors performing less than full-time FOIA duties are either a) part-time employees who perform FOIA duties all, or part, of the time, or b) full-time employees who perform FOIA duties less than 100% of the time.

To determine the number in work years, ask everyone who does FOIA on a part-time or occasional basis to estimate the amount of time - in percents - they spend on FOIA related duties. Each 100% equals one full-time equivalent. You should include contractors if they are working on some aspect of FOIA.

Example 1:

Employee 1 – performs FOIA duties 20% of her time
Employee 2 – performs FOIA duties 35% of his time
Employee 3 – performs FOIA duties 75% of his time
Employee 4 – performs FOIA duties 15% of her time

In this example, the FOIA duties of these employees equals 145% of the time ($20 + 35 + 75 + 15 = 145$) and **this IC would report 1.45 in this section** ($145/100 = 1.45$)

Example 2:

Employees 1, 2, 3 and 4 – perform FOIA duties 50% of their time
Employee 5 – performs FOIA duties 75% of his time
Employee 6 – performs FOIA duties 10% of her time

In this example the FOIA duties of these employees equals 285 % ($50 \times 4 + 75 + 10 = 285$) and **this IC would report 2.85 in this section** ($285/100 = 2.85$).

3. Total number of “Full-Time FOIA Staff” 1.63 – 2.35 FTE during FY 17

(notes: this represents the range during brief periods when fully staffed and does not take into account fluctuation of staff during FY 17; see specific notes in above sections)

(1 + 2 = 3).

B. Costs

1. Processing Costs - Cost to your IC for FOIA processing during FY 2017: *was \$235,976.53*

NOTE: Add together all costs expended by your IC for processing FOIA requests at both the initial request and the administrative appeal level. **Include salaries of FOIA personnel, overhead and any other FOIA-related expenses.** Salary information can be calculated by multiplying the annual salary of the employee by the percentage of time spent on FOIA (necessary to complete Section A). If your IC has a budget for your office, that may be a good source for this information.

2. Litigation Costs - Cost to your IC for FOIA litigation during FY 2017: *was \$1,750.00 for FY 17*

FOIA litigation during FY 2017:

- i. The Free Market Environmental Law Clinic and The Energy & Environment Legal Institute Litigation Costs – Civil Action No 16-1622 – settled for \$1,500 and cost was split with CDC, joint defendants: NIEHS cost was \$750*
- ii. The Free Market Environmental Law Clinic and The Energy & Environment Legal Institute Litigation Costs – Civil Action No 17-443 – settled for \$1,000: NIEHS cost was \$1,000*

Note: it is not possible to estimate other personnel/overhead costs related to FOIA litigation – this was covered by regular personnel/overhead costs and those amounts are included in the above processing costs.

NOTE: Add together all costs expended by your IC in litigating FOIA lawsuits. **Include salaries of FOIA personnel, overhead and any other FOIA-related expenses.** Salary information can be calculated by multiplying the annual salary of the employee by the percentage of time spent on FOIA litigation in addition to processing (necessary to complete Section A). Do **not** include processing time in this calculation.

3. *Total Costs* (add processing costs and litigation costs) (1 + 2 = 3): *was \$237,726.53 for FY 17*